

FEDERAL HIGHWAY ADMINISTRATION
FINDING OF NO SIGNIFICANT IMPACT
FOR

Project AC-NH-060-B (006)

060 MA 157H5537QIC

51st Avenue Overpass at Bethany Home Road/Grand Avenue

The FHWA has determined that this project will not have any significant impact on the human environment. This Finding of NO Significant Impact is based on the attached Environmental Assessment which has been independently evaluated by the FHWA and determined to adequately and accurately discuss the environmental issues and impacts of the proposed project. It provides sufficient evidence and analysis for determining that an Environmental Impact Statement is not required. The FHWA takes full responsibility for the accuracy, scope, and content of the attached Environmental Assessment.

December 13, 2001

Date

for Kenneth H. Davis
Division Administrator

Arizona Department of Transportation
Intermodal Transportation Division
Environmental Planning Group
205 South 17th Avenue
Phoenix, Arizona 85007

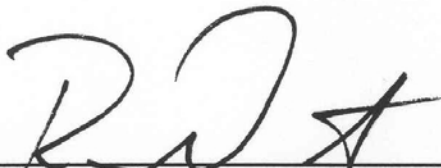
Final Environmental Assessment

for

51ST AVENUE OVERPASS AT BETHANY HOME ROAD/GRAND AVENUE

Maricopa County, Arizona
Project No. AC-NH-060-B-(006)B
TRACS No. 060 MA 157 H5537 01C

Approved by:



On: 12.11.01

RICHARD M. DUARTE, Manager
Environmental Planning Group
Arizona Department of Transportation

This environmental assessment has been prepared in accordance with provisions and requirements of Chapter 1, Title 23 USC, 23 CFR Part 771, relating to the implementation of the National Environmental Policy Act of 1969

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I. INTRODUCTION

The Draft Environmental Assessment (DEA) for this project was completed and approved by the Federal Highway Administration (FHWA) on July 23, 2001. The DEA evaluated the social, economic, and environmental impacts associated with the implementation of the Grand Avenue at 51st Avenue and Bethany Home Road project proposed by the Arizona Department of Transportation (ADOT). A public hearing was held on August 9, 2001, at the Alhambra High School Lecture Hall located at 3839 West Camelback Road, Phoenix, Arizona, to obtain comments from the public on the proposed project and on the contents of the DEA. Copies of the DEA were available for review at Burton Barr Central Library, Palo Verde Branch Library, City of Glendale Public Library, and ADOT's Environmental Planning Group (EPG) office. An advertisement announcing the availability of the DEA and the public hearing was placed in The Arizona Republic newspaper on July 25, 2001 and on August 1, 2001. In addition, 15,800 doorhangers prepared in both Spanish and English text were distributed to potentially effected properties within and adjacent to the project area. Because the public hearing for 51st Avenue was held concurrently with the 43rd Avenue at Camelback Road and Grand Avenue project, the total number of flyers distributed includes the 43rd Avenue project area as well.

The 30-day comment period for the DEA began on July 25, 2001, and ended on August 24, 2001. Comments on the DEA were received by letters, on written comment sheets provided by ADOT at the public hearing, and through comments taken and transcribed by the court reporter in attendance at the hearing. The comments received and the responses to those comments are available for public review at ADOT's EPG office.

The purpose of this Final Environmental Assessment (FEA) is to respond to any comments received during the 30-day public and agency review period, and to provide additions and changes to the DEA where necessary. This FEA should be used in conjunction with the DEA, and includes the list of mitigation measures to be included in the final design specifications, errata from the DEA, a summary of the public hearing and ADOT's responses to public comments, and agency letters received during the 30 day comment period. With the completion of this FEA and the issuance of a Finding of No Significant Impact (FONSI) by the FHWA, the National Environmental Policy Act (NEPA) requirements have been met.

II. SUMMARY OF MITIGATION MEASURES

The following mitigation measures were presented in the Draft Environmental Assessment and are listed here in their final version. These mitigation measures will be implemented by ADOT by incorporating them into the proposed project construction documents. Any changes to these measures have been completed in response to the comments made on the Draft Environmental Assessment. These mitigation measures supercede any of those identified in the Draft Environmental Assessment.

The following mitigation measures and commitments are not subject to change or modification without the prior written approval of the Federal Highway Administration.

ADOT Design Responsibilities:

1. The existing alignment of 51st Avenue within the project limits not used for traffic movement and/or utilities will be removed and landscaped. (Refer to Final Environmental Assessment page 9.)
2. The Storm Water Pollution Prevention Plan will be prepared by the final designer prior to construction. (Refer to Final Environmental Assessment page 9.)
3. ADOT will coordinate with the Burlington Northern Santa Fe Railway during the development of the traffic control plan. (Refer to Draft Environmental Assessment page 15.)
4. ADOT and the Regional Public Transit Authority will coordinate the relocation of bus stops during final design. (Refer to Draft Environmental Assessment page 21.)

ADOT Roadside Development Responsibilities:

1. All embankments and detention basins will be covered with an inert ground cover and low-water-use plants. Trees will be planted to help screen the detention basins from the view of motorists and residents within the adjacent residential areas. (Refer to Draft Environmental Assessment page 16.)
2. Trees and additional landscaping will be planted along the southwest corner of Rose Lane Park, adjacent to 51st Avenue, to minimize view of the overpass structure from the park. ADOT

will coordinate this landscape design with the City of Glendale. (Refer to Draft Environmental Assessment page 35.)

ADOT District Responsibilities:

1. The District Construction Office will notify the public prior to any full closures. No major closures shall be permitted between Thanksgiving and January 1st. Detours shall be coordinated with adjacent projects to avoid any potential conflicts. (Refer to Final Environmental Assessment page 6 and Draft Environmental Assessment page 15.)
2. The District Construction Office will notify adjacent property owners, residents, or businesses prior to the start of construction. (Refer to Final Environmental Assessment page 7.)
3. Because 5 or more acres of land will be disturbed, a National Pollutant Discharge Elimination System permit will be required. The District Construction Office will submit the Notice of Intent and the Notice of Termination to the US Environmental Protection Agency and copies to the Arizona Department of Environmental Quality. (Refer to Final Environmental Assessment page 9.)

Contractor's Responsibilities:

1. Traffic and access during construction will be maintained on 51st Avenue, Bethany Home Road, and Grand Avenue, except for temporary road closures during setting of bridge girders and final tie-ins. (Refer to Final Environmental Assessment page 6.)
2. The contractor shall provide notice to effected utility customers prior to any disruption of service involving the removal or relocation of utilities, if applicable. (Refer to Final Environmental Assessment page 7.)
3. The contractor shall coordinate with the Maricopa County Environmental Services Department during the planning of nighttime road closures or detours during winter months for air quality purposes. (Refer to Final Environmental Assessment page 8.)
4. Because 5 or more acres of land will be disturbed, a National Pollutant Discharge Elimination System permit will be required. The contractor shall submit the Notice of Intent and the Notice of Termination to the US Environmental Protection Agency and copies to the Arizona Department of Environmental Quality. (Refer to Final Environmental Assessment page 9.)

5. The contractor shall adhere to Maricopa Rule 310 and 360 regarding fugitive dust emissions and new source performance standards, respectively, during construction. (Refer to Draft Environmental Assessment page 39.)
6. The contractor shall be responsible for obtaining any necessary asbestos permits for demolition of any structures. (Refer to Draft Environmental Assessment page 39.)
7. In order to prevent the introduction of invasive species, all earth-moving and hauling equipment shall be washed prior to entering the construction site. All embankment slopes shall be landscaped with low-water-use plants and covered with an inert ground cover. (Refer to Draft Environmental Assessment pages 42 and Final Environmental Assessment page 9.)

Standard Specifications Included as Mitigation Measures:

1. According to *Arizona Department of Transportation's Standard Specifications for Road and Bridge Construction*, Section 107 Legal Relations and Responsibility to Public (2000 Edition) (Stored Specification 107.05 Archaeological Features), if previously unidentified cultural resources are encountered during activity related to the construction of the project, the contractor shall stop work immediately at that location and shall take all reasonable steps to secure the preservation of those resources and notify the ADOT Engineer. The Resident Engineer will contact the Environmental Planning Group immediately and make arrangements for the proper treatment of those resources. ADOT will, in turn, notify the appropriate agency(ies) to evaluate the significance of the resource. (Refer to Final Environmental Assessment page 8.)
2. Any material sources required for this project outside of the project area shall be examined for environmental effects, by the contractor, prior to use, through a separate environmental analysis in accordance with *Arizona Department of Transportation's Standard Specifications for Road and Bridge Construction*, Section 1001 Material Sources (2000 Edition) (Stored Specification 1001.2 General). (Refer to Draft Environmental Assessment pages 45 and 46.)
3. Excess waste material and construction debris shall be disposed of at sites supplied by the contractor in accordance with *Arizona Department of Transportation's Standard Specifications for Road and Bridge Construction*, Section 107.11 Protection and Restoration of Property and Landscape (2000 Edition). Disposal shall be made at either Municipal Landfills approved under Title D of the Resource Conservation and Recovery Act, Construction Debris Landfills approved under Article 3 of the Arizona Revised Statutes 49-241 (Aquifer Protection Permit)

administered by the Arizona Department of Environmental Quality, or Inert Landfills. (Refer to Draft Environmental Assessment page 46.)

4. During construction, the contractor shall give special attention to the effect of its operations upon the landscape and shall take special care to maintain natural surroundings undamaged in accordance with *Arizona Department of Transportation's Standard Specifications for Road and Bridge Construction*, Section 104.09 (2000 Edition) and the Water Quality Standards in Title 18, Chapter 11 of the Arizona Administrative Code as administered by the Arizona Department of Environmental Quality. (Refer to Draft Environmental Assessment page 46.)
5. According to *Arizona Department of Transportation's Standard Specifications for Road and Bridge Construction*, Section 107 Legal Relations and Responsibility to Public (2000 Edition) (Stored Specification 107HAZMT, 01/15/93), if previously unidentified or suspected hazardous materials are encountered during construction, work shall cease at that location and the ADOT Resident Engineer shall be contacted to arrange for proper assessment, treatment, or disposal of those materials. Such locations will be investigated and proper action implemented prior to the continuation of work in that location. (Refer to Draft Environmental Assessment page 47.)

III. ERRATA FROM THE DRAFT ENVIRONMENTAL ASSESSMENT

The DEA was available for a 30-day public review period that began on July 25, 2001 and ended on August 24, 2001, at four locations including ADOT EPG, Palo Verde Branch Library, Phoenix Burton Barr Central Library, and the Glendale Public Library. The following pages of errata include additions or alterations to clarify, further discuss, or make text corrections to the DEA. These changes are a result of public and agency comments, and are provided below with reference to their pages from the DEA. Sections of the DEA to be deleted are shown as strikeout text (~~strikeout~~), and additions to the DEA text are *italicized*.

UNIVERSAL CHANGES TO THE DRAFT ENVIRONMENTAL ASSESSMENT

All references to "preferred" alternative should be changed to "selected" alternative. All references to "would" in connection with the selected alternative should be changed to "will" including the description of the alternative and associated design features, and the affected environment and environmental consequences. In addition, all references to "would" in connection with the contractor's responsibilities should be changed to "shall".

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(DEA page ii) V. ~~Secondary and Cumulative Impacts~~ SECONDARY AND CUMULATIVE IMPACTS

III. DESIGN FEATURES OF THE PREFERRED ROADWAY IMPROVEMENTS

E. Traffic Control

(DEA page 15, Fifth Paragraph, First Sentence) Traffic and access during construction will be maintained on 51st Avenue, Bethany Home Road, and Grand Avenue, except *for temporary road closures* during setting of bridge girders and final tie-ins.

(DEA page 15, Sixth Paragraph, Last Sentence) The District Construction Office ~~would~~ *will* notify the public ~~at least 14 days~~ prior to any full closures.

F. Utilities

(DEA page 16, Third Paragraph, First Line) The contractor shall provide notice to *affected* utility customers ~~14 days~~ prior to any disruption of service *involving the removal or relocation of utilities*, if applicable.

IV. AFFECTED ENVIRONMENT AND ENVIRONMENTAL CONSEQUENCES

A. Ownership, Jurisdiction, and Land Use

(DEA page 18, Third Paragraph) There ~~would~~ *will* be short-term impacts to existing land uses as a result of the project construction and during the relocation of utilities. Permanent impacts include the acquisition of approximately 17 acres of ROW. ROW ~~would~~ *will* be acquired from 27 private parcels ~~and one parcel owned by the City of Glendale, totaling 27 parcels~~. Of these 27 parcels, 10 parcels ~~would~~ *will* be full-take acquisitions, while 17 ~~would~~ *will* be partial takes. Twenty-five property owners ~~would~~ *will* be affected. Property owners ~~would~~ *will* be compensated at fair market value for property acquired for project ROW in accordance with the *Uniform Relocation Assistance and Real Property Acquisition Policies Act*, as amended in 1987.

(DEA page 18, Fourth Paragraph) ~~No~~ *Three* residences ~~would~~ *will* be acquired for ROW as a result of the proposed improvements. With the realignment of 51st Avenue to the west of its existing alignment and the construction of the proposed 52nd Avenue extension, some ~~new~~ parcels ~~would~~ *will* benefit from fronting these *new and/or realigned* streets, either *from new access being provided* ~~ing new access~~ to their business *and/or as a result of* increased visibility for their business. In addition, any unused property that ~~would~~ *will* be acquired for ROW that ~~would~~ *will* not be used for the operation/maintenance of these facilities, or ~~would~~ *will* be landscaped, could be available as future business sites.

(DEA page 18, Fifth Paragraph, Second Sentence) The District Construction Office ~~contractor~~ *would* *will* notify adjacent property owners, residents, or businesses ~~at least 14 days~~ prior to *the start* of construction.

C. Title VI of the Civil Rights Act of 1964 and the Executive Order Relating to Environmental Justice

(DEA page 28, Third Paragraph, Second Sentence) In addition, property owners ~~would~~ *will* be compensated at ~~fair~~ market value for property acquired for project ROW in accordance with the *Uniform Relocation Assistance and Real Property Acquisition Policies Act*, as amended in 1987.

(DEA page 29, Second Paragraph, Third Sentence) ~~Because~~ There are no residences *located* along the west side of 51st Avenue *that will be impacted by the proposed improvements, the proposed improvements would not directly impact any potential Title VI residences, although three residences located just south of Rose Lane Park along the east side of 51st Avenue will be acquired for construction of the north service road connection to 51st Avenue.*

D. Cultural Resources

(DEA page 32, Fourth Paragraph, Third Sentence) The PA ensures that ADOT and FHWA adheres to all laws as defined in 36 Code of Federal Regulations (CFR) 800.14 ~~(1) (b) (v)~~.

(DEA page 32, Fifth Paragraph) According to *Arizona Department of Transportation's Standard Specifications for Road and Bridge Construction*, Section 107 Legal Relations and Responsibility to Public (2000 Edition) (Stored Specification 107.05 Archaeological Features), if previously unidentified cultural resources are encountered during activity related to the construction of the project, the contractor ~~would~~ *shall* stop work immediately at that location and shall take all reasonable steps to secure the preservation of those resources and notify the ADOT Engineer. The ~~ADOT~~ Resident Engineer ~~would~~ *will* contact the Environmental Planning Group immediately and make arrangements for the proper treatment of those resources. ADOT will, in turn, notify the appropriate agency(ies) to evaluate the resource.

F. Air Quality

(DEA page 39, Third Paragraph, Sixth Sentence) In addition, the contractor ~~would~~ *shall* be responsible for obtaining any necessary asbestos permits for demolition of any structures, ~~if applicable~~. *The contractor shall coordinate with the Maricopa County Environmental Services Department during the planning of nighttime road closures or detours during winter months for air quality purposes.* Therefore, the proposed improvements ~~would~~ *will* not substantially impact the regional or local air quality or violate the federal and state NAAQS standards.

H. Landscape/Vegetation Removal/Invasive Species

(DEA page 43, First Paragraph, First Sentence) All embankment slopes ~~would~~ *will* be landscaped with low-water-use plants and covered with ~~decomposed or crushed granite~~ *an inert ground cover*.

J. Visual Resources

(DEA page 44, Second Paragraph, Text Added Between Second and Third Sentences) *The existing alignment of 51st Avenue within the project limits not used for traffic movement and/or utilities will be removed and landscaped.*

L. Water Resources and National Pollutant Discharge Elimination System

L. Water Resources, Section 404 of the Clean Water Act, and National Pollutant Discharge Elimination System

(DEA page 45, Third Paragraph) Because ~~five~~ 5 or more acres of land ~~would~~ *will* be disturbed, a National Pollutant Discharge Elimination System permit ~~would~~ *will* be required. ~~The ADOT Roadside Development Section would determine who would prepare the Storm Water Pollution Prevention Plan.~~ *The Storm Water Pollution Prevention Plan will be prepared by the final designer prior to construction.* The District Construction Office ~~would~~ *will* submit the Notice of Intent and the Notice of Termination to the US Environmental Protection Agency (~~EPA~~) and copies to the Arizona Department of Environmental Quality (~~ADEQ~~). A Notice of Intent ~~would~~ *will* be submitted to the (~~EPA~~) *US Environmental Protection Agency* at least 48 hours prior to the start of construction.

VI. Public Involvement and Project Coordination

C. Public Hearing (New section inserted after Section B. Public Involvement, DEA page 55.)

The 30-day comment period for the DEA began on July 25, 2001, and ended on August 24, 2001. Copies of the DEA were available for review at ADOT's EPG office, Glendale Public Library, Burton Barr Central Library, and the Palo Verde Branch Library. A public hearing was held on August 9, 2001, at the Alhambra High School Lecture Hall located at 3839 West Camelback Road, Phoenix, Arizona, to obtain comments from the public on the proposed project and on the contents of the DEA. An advertisement announcing the availability of the DEA and the public hearing was placed in The Arizona Republic newspaper on July 25, 2001 and on August 1, 2001. In addition, 15,800 door hangers prepared in both Spanish and English text were distributed to potentially effected

properties within and adjacent to the project area. Because the public hearing for 51st Avenue was held concurrently with the 43rd Avenue project, the total number of flyers distributed includes the 43rd Avenue at Camelback Road and Grand Avenue project area as well. Comments on the DEA were received in the form of letters, on written comment sheets provided by ADOT at the public hearing, and through comments taken and transcribed by the court reporter in attendance at the hearing. The comments made and the responses to those comments are available for public review at ADOT's EPG.

Fifty-eight people attended the public hearing. Project plans were on display for the public to review. The hearing began in an open-house format followed by a brief presentation on the proposed preferred alternative. In addition, a description of the potential environmental impacts was summarized from the DEA. The presentation was given by an ADOT EPG representative and project consultant representatives. Immediately following the presentation, the floor was opened for a question-and-answer session. At the conclusion of the question-and-answer session, the hearing returned to an open-house format where project representatives were available to explain the preferred alternative and answer questions in a one-on-one setting.

Specific concerns regarding the proposed project included the following comment and response summaries. For a full text version of public comments, please refer to the August 9, 2001, Public Hearing transcripts provided in the FEA Appendix A.

Public Comments

Comment: Has the railroad signed off on the project?

Response: The Burlington Northern Santa Fe Railway (BNSF) has been an active partner throughout the entire process. BNSF representatives were coordinated with early on during initial project scoping and have been involved in project meetings since that time. They are supportive of the current design.

Comment: Will the 43rd Avenue and 51st Avenue projects be taking place concurrently?

Response: Yes. These projects will be advertised under one contract.

Comment: How will customers navigate between the service roads and 51st Avenue?

Response: ADOT recognizes that some out-of-direction travel will be required, but signs will be erected to direct motorists on how to reach 51st Avenue from either eastbound or westbound Bethany Home Road along each service road.

Comment: Will the proposed improvements impact access or right-of-way of the businesses located within the strip mall on the northeast corner of Grand Avenue and 51st Avenue?

Response: Access will be provided to businesses and residences within and adjacent to the project area. There are no impacts on these businesses right-of-way and slight impacts on their access. Access will be difficult from southbound 51st Avenue.

Comment: Will there be stop signs on both 52nd Avenue and on Bethany Home Road?

Response: There will only be a stop sign on 52nd Avenue.

Comment: Will the detention basin put any of the surrounding property into a flood zone?

Response: The detention basin will mitigate a 10-year flood. The proposed detention basin will improve the existing condition.

Comment: Supports the project.

Response: Comment noted for public record.

Comment: Supports the project.

Response: Comment noted for public record.

Comment: Opposes the project.

Response: Comment noted for public record.

Comment: Will you be able to make left turns from 51st Avenue to Missouri and Montebello?

Response: Left turns will be permitted from 51st Avenue onto Montebello. Missouri is located outside of the project area and all turning movements that currently exist will remain.

Comment: What are the DE (Demolition) numbers that are painted alongside Grand Avenue?

Response: DE numbers normally indicate demolition, but in this case were not put in by ADOT. There is the possibility that those numbers are further down Grand Avenue and relate to the 27th Avenue project.

Comment: Who completes property appraisals?
Response: ADOT is responsible for the appraisals.

Comment: Why will there be no art work added to the overpass structure similar to the 43rd Avenue project?
Response: This was a decision between the City of Phoenix and the City of Glendale to do the art work at 43rd Avenue. The City of Glendale has decided to not do any additional artistic design at 51st Avenue. The overpass structure will be stained, and landscaping will be completed on embankment slopes and detention basins.

Agency Comments

During the 30-day public review and comment period, written comments were received from Maricopa County, the Regional Public Transit Authority, and the City of Glendale (refer to FEA Appendix B). No other comments were received from participating or interested agencies.

Comment: The Maricopa County Environmental Service Department appreciates ADOT's acknowledgment of air quality requirements. Because Grand Avenue intersections have a history of high carbon monoxide concentrations during the winter months, the flow of traffic should be maintained during the construction project. Road closures and/or detours at night during a high-air-pollution advisory should be avoided, unless traffic flow can be maintained on all streets through and next to the construction project.
Response: Traffic will be maintained during construction except during the setting of bridge girders. No major closures would be permitted between Thanksgiving and January 1st.

Comment: The DEA identifies a City of Glendale-owned parcel that would be acquired as a part of this project, but I do not know of any City-owned parcels that would be affected.
Response: The comment was noted and any reference to a City of Glendale-owned parcel being acquired was removed as indicated in this document (refer to FEA page 7). No City of Glendale-owned parcels will be acquired.

Comment: The project would make future bus transfers between the Yellow Line, Route 60 and a future route along 51st Avenue difficult. As an alternative, two bus bays could be constructed on the embankment north of the new 51st Avenue. This would eliminate the need for the service road travel to transfer passengers.

Response: Even though some out-of-direction travel would be required, the project does allow for transfer of passengers if RPTA implements bus service along 51st Avenue sometime in the future. Bus bays could be provided in a separate project at that time in the locations identified by RPTA.

Ⓔ. D. Project Preparers and Contributors (DEA Page 55)